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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,128

12/02/2003

Gerald R. Savicki JR.

905-184

3543

20874

7590

04/22/2005

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EXAMINER

ESTRADA, ANGEL R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/726,128	Applicant(s) SAVICKI, GERALD R.	
	Examiner Angel R. Estrada	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 25 and 27 is/are rejected.
- 7) ☒ Claim(s) 19-24 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed April 1, 2005 has been considered by the Examiner; however all references were cross out because they have been already cited in the PTO form 892 of the Office Action mailed in April 26, 2004.

Claim Objections

2. Claims 19 and 25 are objected to because of the following informalities:

Claims 19 and 25 lines 1-2, "said frame has a second opening", confusing an unclear. The second opening lacks antecedent basis; claim 1 does not mention the frame having a first opening. The Examiner is assuming that the second opening referred to in claims 19 and 25 is really an opening located on the frame. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by McKissic (US 3,879,101).

Regarding claim 1, McKissic discloses a modular electrical device (see figure 1) for use in an electric circuit, the device comprising a housing (14) configured to accommodate a frame member (11) selected from a plurality of frame members (11 or 11'), each frame (11, 11') being configured to accommodate at least one wiring assembly (see figures 1-6), an electrical wiring assembly (12) chosen from a plurality of electrical wiring assemblies (12 or 12'), each of the plurality of electrical wiring assemblies (12 or 12') having a different functional configuration (see figures 1 and 4), each of the plurality of electrical wiring assemblies (12 or 12') being sized to fit in the selected frame member (11 or 11'); a set of terminal contacts (48; 81 and 82) selected from a plurality of sets of terminal contacts (48; 81 and 82), each set of terminal contacts (48; 81 and 82) being matched to accommodate one of the plurality of electrical wiring assemblies (11 or 11', see figures 1-3); and a wall plate (not shown but inherent) defining a first opening (inherent or see column 1 lines 48-61), the housing (14) configured to be disposed within the first opening (not shown but inherent).

Regarding claim 25, McKissic discloses the modular electrical device (see figure 1), wherein has an opening (47) and interchangeable assembly (71) is disposed in said second opening.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissing (US 3,707,697).

Regarding claim 2, McKissic discloses the modular electrical device (see figure 1) wherein said electrical wiring assembly (11 or 11') includes a first switch; but lacks the wiring device including a second switch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second switch, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding claim 3, the modified McKissic discloses the modular electrical device (see figure 1) wherein at least one of said first switch and said second switch is a single pole switch (71 or see figure 1).

Regarding claim 4, the modified McKissic discloses the modular electrical device (see figure 1) wherein at least one of said first switch and said second switch is a three-way switch (71' or column 5 lines 25-28).

Regarding claim 5, the modified McKissic discloses the claimed invention except for the electrical wiring device further including a third switch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a third switch, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding claim 6, the modified McKissic discloses the modular electrical device (see figure 1) wherein at least one of said first switch, said second switch and said third switch is a single pole switch (71 or see figure 1).

Regarding claim 7, the modified McKissic discloses the modular electrical device (see figure 1) wherein at least one of said first switch, said second switch and said third switch is a three-way switch (71' or column 5 lines 25-28).

Regarding claim 8, the modified McKissic discloses the claimed invention except for said electrical wiring device further including a fourth switch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a fourth switch, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding claim 9, the modified McKissic discloses the modular electrical device (see figure 1) wherein at least one of said first switch, said second switch, said third switch and said fourth switch is a single pole switch (71 or see figure 1).

Regarding claim 10, the modified McKissic discloses the modular electrical device (see figure 1) wherein at least one of said first switch, said second switch, said third switch and said fourth switch is a three-way switch (71' or column 5 lines 25-28).

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissic (US 3,707,697) in view of King (US 6,767,245).

Regarding claim 11, the modified McKissic discloses the claimed invention except for the electrical wiring assembly further includes a receptacle. King teaches a modular electrical device comprising an electrical wiring assembly for a switch and for a receptacle (see figures 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the modified McKissic's modular device with a receptacle as taught by King to provide the modular device with means for plugging electrical cables for providing power to different electrical devices.

Regarding claim 12, King teaches the modular electrical device including a receptacle (see figures 1-3) having at least one ground fault circuit interrupt or arc fault circuit interrupt. (See figure 1 or column 3 lines 48-61 and column 5 lines 39-52).

6. Claims 13-18 and 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKissic (US 3,707,697) in view of Izumi (US 3,707,697).

Regarding claim 13, McKissic discloses the claimed invention except for the electrical wiring assembly includes a receptacle. Izumi teaches a modular electrical device comprising an electrical wiring assembly including a receptacle (28). It would have been obvious to one of would have been obvious to one of ordinary skill in the art at the time the invention was made to make McKissic's modular device with a receptacle as taught by King to provide the modular device with means for plugging electrical cables for providing power to different electrical devices.

Regarding claim 14, McKissic discloses the modular electrical device (see figure 1) wherein said electrical wiring assembly further includes a first switch (12).

Regarding claim 15, McKissic discloses the modular electrical device (see figure 1) wherein said first switch is a single pole switch (71 or see figure 1).

Regarding claim 16, McKissic discloses the modular electrical device (see figure 1) wherein the first switch is a three-way switch (71' or column 5 lines 25-28).

Regarding claim 17, the modified McKissic discloses the claimed invention except for the electrical wiring device including a hallway light. Izumi teaches a modular electrical device comprising an electrical wiring assembly including a hallway light (24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the modified McKissic's modular device with an electrical wiring device including a hallway light as taught by Izumi to provide the modular device with indication means for illuminating certain areas near the modular device.

Regarding claim 18, McKissic discloses the claimed invention except for the electrical wiring device including a hallway light. Izumi teaches a modular electrical device comprising an electrical wiring assembly including a hallway light (24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make McKissic's modular device with an electrical wiring device including a hallway light as taught by Izumi to provide the modular device with indication means for illuminating certain areas near the modular device.

Regarding claim 27, McKissic discloses the claimed except for the interchangeable assembly being a lamp assembly. Izumi teaches a modular electrical device comprising a housing and a frame having an opening comprising an lamp

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assembly (24) disposed on the frame's opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make McKissic's interchangeable assembly a lamp assembly as taught by Izumi to provide the modular device with indication means and for illuminate certain areas.

Allowable Subject Matter

7. Claims 19-24 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 19-24 and 26 are:

Regarding claims 19-24, the prior art does not teach or fairly suggest in combination with the other limitation a modular electrical device wherein the frame has a second opening further comprising at least one blank, the blank being configured to be disposed in the second opening.

Regarding claim 26, the prior art does not teach or fairly suggest in combination with the other limitation a modular electrical device wherein the interchangeable assembly is a blank.

These limitations are found in claims 19-24 and 26, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Response to Arguments

8. Applicant's arguments with respect to claims 1-18, 25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schultz et al (US 6,870,099), Torres (US 6,814,611) and McCartney (US 2,433,917) disclose an electrical modular device.

10. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 12, 2005



Angel R. Estrada
Patent Examiner
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